

5.00 ADMINISTRATIVE PROVISIONS

5.01 Administration

5.01.1 Intent. The intent of these Regulations is to regulate and promote orderly development.

5.01.2 Zoning Enforcement Agent. The Zoning Enforcement Agent supervises and enforces the provisions of these Regulations pursuant to MCA §76-2-210. This consists of, but is not limited to, issuing land use permits, enforcing violations and reviewing applications for conditional use permits, variances, rezoning requests and amendments to these Regulations.

5.01.3 Code Compliance Specialist. The Code Compliance Specialist ensures compliance with the provisions of these Regulations in conjunction with the Zoning Enforcement Agent. This consists of, but is not limited to, revoking land use permits, issuing cease and desist orders, requiring removal/ dismantling of structures, determining compliance with these Regulations, and issuing fines. All decisions made by the Code Compliance Specialist follow the same administrative and appeals procedures as that of the Zoning Enforcement Agent.

5.01.4 Advisory Committee. The County Commission may create a non-remunerative advisory committee, of up to five (5) members, to make recommendations within the District. Members are freeholders in the District. Advisory Committee members are appointed for two- (2) year staggered terms. Initially, two (2) members are appointed for one- (1) year terms and three (3) members are appointed for two- (2) year terms.

Advisory Committee recommendations are advisory only and are not binding upon the Commission. Advisory Committee meetings are open to the public and noticed accordingly. The Advisory Committee may also notify the Zoning Enforcement Agent of alleged violations within the District.

5.01.5 Board of Adjustment. The County Commission shall appoint a five-member Board of Adjustment (BOA). The role of the BOA is:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these Regulations.
2. To hear and decide variances (special exceptions) to these Regulations that will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Regulations will result in an unnecessary hardship, and so that the spirit of these Regulations is observed and substantial justice done.

3. In exercising the above mentioned powers, the BOA may, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or administrative determination made by the Planning Director appealed and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all of the powers of the officer from whom the appeal is taken, (MCA §76-2-223). The concurring vote of three members of the BOA shall be necessary to grant a variance, reverse any order, requirement, decision, or determination of any such administrative official (MCA §76-2-224).
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- 5.01.6 County Planning Board. The 11-member Gallatin County Planning Board (Planning Board) consists of resident freeholders serving in an advisory capacity to the County Commission. The Planning Board's role is to make recommendations on the revision of boundaries and the amendment of regulations (MCA §76-2-204 and MCA §76-2-205).
 - 5.01.7 County Commission. The County Commission reserves the right to, after public notice and hearing, deny, approve or conditionally approve all conditional use applications.
 - 5.01.8 Schedule of Fees. The County Commission sets fees for all applications; including but not limited to land use permits, zone changes, conditional use permits, and variances. The County Commission will not take action on an item until fees are paid in full. Fees are non-refundable.